IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(Crl.).No. 191 of 2007(S)

PETITIONER:

SAHAJA, W/O.JOHNY,
JOHNY BHAVAN, PALAYAMKUNNU P.O.,
VARKALA, THIRUVANANTHAPURAM.

BY ADV. SRI.B.S.SURESH (CHIRAKKARA)

RESPONDENTS:
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1. SHAFROON, S/O.HAKEEM,
SHAHAMAS, ANAPPARA P.O.,
KADAKKAL, KOLLAM DIST.

2. SEENATH HAKEEM, -DO- -DO-

3. CIRCLE INSPECTOR OF POLICE,
KADAKKAL CIRCLE OFFICE, KADAKKAL.

4. DIST. SUPERINTENDENT OF POLICE,
KOLLAM.

5. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVT.
OF KERALA (HOME), GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

R3 TO R5 BY GOVT.PLEADER SRI C.M.KAMMAPPU
R1 & R2 BY ADV. SRI.SAJU.S.A

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 16/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(CRL) NO. 191 OF 2007

DATED THIS, THE 16TH DAY OF AUGUST, 2007.

J U D G M E N T

Raman, J.

Petitioner's daughter by name Arya Jophny, who was a student of the S.M.M. Engineering College, Kadakkal, has eloped with the first respondent and got married before the Sub Registry at Chadayamangalam, on 26.2.2006. According to the petitioner, the said marriage was not complying with the provisions of a legal marriage and her daughter is under the illegal custody of Respondent No.1.

2. We have issued notice and the parties have appeared. The alleged detenue Arya Johny also appeared before us. We have interacted with the parties. Petitioner and her husband were given opportunity to talk with the alleged detenue. Thereafter, the matter was taken up again. The alleged detenue submitted that she is not under the illegal custody of anybody and she wanted to go along with her husband. She is aged 21. She also submitted that she got married in the Mosque as per the personal law of her husband and has changed her name as "Ayisha Sharoon". We are not going to the validity or otherwise of the marriage in a Habeas Corpus Writ

petition. So long as the alleged detenue is a major and when we are satisfied that she is not under the illegal custody of anybody, the writ petition fails. The alleged detenue Arya Johny is set at free. The writ petition is closed.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-